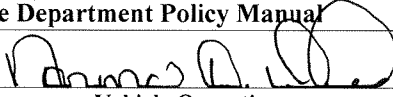


**Wichita Police Department Policy Manual**Approved by: **Policy 605 – Emergency Vehicle Operation**

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Maintained by:
Field Services Bureau

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GENERAL STATEMENT

Vehicle pursuits present hazards and risks that can be life threatening and should be conducted only in accordance with the provisions of applicable law and Wichita Police Department Policy. While it is the duty and responsibility of Department personnel to apprehend offenders, officers should use discretion in selecting the pursuit techniques applied. Officers should also continually use discretion in evaluating the benefit of immediate apprehension compared to the risk of property damage or personal injury to the pursuing officers and the general public. Ultimately, each pursuit will be judged upon the reasonableness of participants' actions. The Department will make every effort to provide continuing training regarding this policy. The Department will also provide education to community youth regarding the potential ramifications of police chases.

DEFINITIONS**Statute 8-1506: Authorized emergency vehicles; rights, duties and liability of drivers thereof.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this article;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the maximum speed limits so long as such driver does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions; and
 - (5) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others. **History:** L. 1974, ch. 33, § 8-1506; L. 1977, ch. 43, § 1; July 1.

Pursuit - A process by which a police officer initiates a vehicular stop and a driver refuses to stop. Once the driver refuses to stop, the pursuit policy and procedures will apply.

Termination of Pursuit - Pursuit shall terminate when the officers involved turn off the emergency equipment, resumes routine vehicle operation and informs dispatch. The pursuit also ends when the suspect vehicle stops.

Violent Criminal Acts – Any act where there is a risk of great bodily harm.

Controlling Supervisor – Any supervisor who initially acknowledges and continues to monitor and control an active pursuit.

605.01 AUTHORIZED EMERGENCY VEHICLES:

- A. Only those vehicles equipped with emergency lights and an authorized siren will be authorized as emergency vehicles.
- B. Vehicles not equipped with emergency equipment as provided in 605.01 (A) will not be operated in an emergency manner. Vehicles that are "slick topped" will not be allowed to pursue vehicles. Should an officer become aware that any of his/her vehicle's emergency equipment is defective it will not be operated as an emergency vehicle and shall be taken to Central Maintenance for repair.

605.02 AUTHORITY TO OPERATE AS AN EMERGENCY VEHICLE:

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- A. The Wichita Police Department permits authorized emergency vehicles to be operated in an emergency manner [10-39, with lights and siren]:
 - 1. In response to a call designated 10-39, where the protection or preservation of life is a consideration, and/or;
 - 2. During the immediate pursuit of an actual or suspected violator of the law.
- B. The following are emergency situations where the use of a 10-39 response [with lights and siren] is authorized:
 - 1. Calls designated as an Officer-in-Trouble;
 - 2. Pursuit of a violator where the momentary use of either/or both emergency lights and siren are necessary to alert other traffic, and/or to command the operator in violation to stop.

3. Pursuit of a violator wherein the violator refuses to stop and the continuing use of both emergency lights and siren are necessary to warn others of hazardous conditions.
 4. Situations where a 10-39 response is authorized by a supervisor.
 5. An officer knows or has reasonable suspicion to believe that the fleeing suspect is committing, has committed or attempted to commit a violent criminal act as defined herein.
- C. Employees shall at all times comply with city ordinances, state statutes, administrative policies and regulations, and all agency policies and regulations governing the operation of city-owned and issued vehicles.
- D. Pursuit Considerations:
1. The initial decision to start a pursuit shall lie primarily with the officer who has initiated the vehicular stop, after considering the elements of this policy. These considerations shall include, but are not limited to, the crime for which the suspect is wanted, the need to apprehend immediately, and the risk the pursuit poses to the community.
 2. The officer and supervisor should continually assess the risks created by the pursuit should the risks change.
 3. Supervisors may authorize other pursuits not listed above as necessary but only under extraordinary or extreme circumstances.

605.03 OPERATION OF EMERGENCY VEHICLES:

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- A. Authorized operators include only on-duty commissioned members of the Department.
- B. All members of the Department who operate a motor vehicle must possess a valid Kansas Motor Vehicle Driver's License.
- C. Manner of operation:
1. Both the emergency lights and the siren will be used at all times while operating 10-39.
 2. Hold 10-39 responses to the essential minimum, and end a 10-39 response at the earliest feasible time.
 3. The driver of an authorized emergency vehicle may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation and when emergency lights and siren are used. (KSA 8-1506).
 4. The driver of an authorized emergency vehicle, when emergency lights and siren are used, may exceed the maximum speed limits so long as the driver does not endanger life or property. When regulating their speed, officers should give careful consideration to the WPD decision matrix grid.
 5. The driver of an authorized emergency vehicle, when emergency lights and siren are used, may disregard regulations governing direction of movement or turning in specified directions.
 6. No authority exists to drive contrary to traffic regulations if emergency lights and siren are not being utilized.
 7. An officer will not escort a private vehicle 10-39.
 8. The above provisions shall not relieve any officer driving an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do these provisions protect the officer from the consequences of reckless disregard for the safety of others.

605.04 REQUIREMENTS OF OFFICER INVOLVED:

- A. Any officer that initiates a pursuit should immediately notify the dispatcher with the following critical information:
1. Unit number.
 2. Location, direction of travel, and speed.
 3. Reason for pursuit.
 4. Description of vehicle, occupant(s), and suspects identity if known.
 5. Other information necessary to justify the pursuit within the WPD decision matrix grid.
- B. Except as modified below, no more than three vehicles should be involved in a pursuit: the pursuing unit, one (1) support unit, and a supervisor. In absence of a supervisor actively involved in the pursuit, only two (2) vehicles are allowed. If possible, the controlling supervisor should not be involved in the actual pursuit.
- C. The pursuing officer may request, and the controlling supervisor may approve, additional units to join the pursuit if it is reasonably believed that the number of officers in the primary and secondary units will not be sufficient to safely effect the arrest of the suspect(s).
- D. Vehicles that have prisoners, witnesses, suspects, complainants, or non-police personnel aboard who have not signed a waiver of liability should not become engaged in pursuits.
- E. If visual contact is lost, other than momentarily, or if unfavorable weather, road, traffic, or vehicle conditions exist, the pursuit should be discontinued.

605.05 REQUIREMENTS OF SUPERVISOR INVOLVED:

- A. During pursuits, the controlling supervisor should be the supervisor who assumes control of the pursuit. If the controlling supervisor becomes actively involved in the pursuit, he/she should request that another supervisor take over command of the pursuit.
- B. The controlling supervisor should obtain as much information as feasible to help determine why the vehicle is fleeing.
- C. Supervisors should monitor the pursuit to ensure that only those officers authorized participate.
- D. Supervisors should ensure a request is made for the Air Section.
- E. The controlling supervisor or higher ranking officer may order a pursuit discontinued when known circumstances or facts do not justify continuing the pursuit.
- F. Anytime a police vehicle has an accident while running 10-39, the Field Supervisor shall initiate an administrative investigation under WPD Regulation 5.212 which is separate and distinct from the Accident Review Board.

605.06 HELICOPTER INVOLVEMENT

- A. Whenever possible, the helicopter will join a pursuit after notification by the dispatcher. Upon joining the pursuit, the helicopter will advise the dispatcher and controlling supervisor of the helicopter's presence and ability to maintain contact directing the pursuit.
- B. Once contact is made with the helicopter, and air support has the suspect vehicle in sight, ground pursuit should terminate, and officers should turn off all emergency equipment and drive according to city ordinance and state law. Supervisors may authorize the continued use of ground units as necessary, taking into account the factors set forth in (D) below.
- C. The helicopter will direct ground units to the fleeing vehicle's termination point.
- D. While the Department recognizes that the helicopter is a valuable and effective asset in police pursuits, supervisors should plan their response to a pursuit situation without reliance on air support, due to factors that may render the assistance of the helicopter impossible. Such factors include, but are not limited to, weather conditions, wind speeds and other atmospheric conditions, mechanical problems, availability of trained personnel, performance limitations of the helicopter, and whether the helicopter is already engaged in other activity of a critical or emergency nature when called to assist in a pursuit.

605.07 REQUIREMENTS OF THE DISPATCHER:

- A. The dispatcher will transmit all available information pertinent to the pursuit to other police units.
- B. The dispatcher will immediately identify the appropriate field supervisor and designate him/her as the controlling supervisor.
- C. The dispatcher will notify the helicopter duty pilot.
- D. The dispatcher will advise pursuit vehicles of any known or potential hazards in the path of the pursuit such as accidents, street closures, etc.
- E. Dispatchers will attempt to run a 10-28 on the suspect tag if time allows.
- F. If it becomes evident the pursuit might cross into another dispatch area having a different radio frequency, the originating dispatcher will ensure the appropriate dispatcher is aware of the chase and officers in the area are advised. The chase will then be simulcast on both channels. Officers involved in the chase will remain on the channel the chase originated. This dispatcher will then activate the "Alert Tone" to warn officers under his/her control that emergency radio traffic will be forthcoming.

605.08 GENERAL PURSUIT TERMINATION GUIDELINES

- A. A vehicle pursuit will be terminated:
 - 1. Immediately, when ordered by a supervisor.
 - 2. If visual contact is lost other than momentarily, or if unfavorable weather, road, traffic, or vehicle conditions warrant.
 - 3. When there is a clear and unreasonable danger to the officer or the public.
 - 4. When the offender can be sufficiently identified so an apprehension can be safely made at a later time, unless probable cause exists to believe the fleeing suspect poses an imminent threat or danger to the public.
- B. Action to take when a pursuit is terminated prior to apprehension:

1. Termination will be broadcast to the dispatcher.
2. Officers will turn off emergency equipment and drive according to city ordinance and state law.
3. Officers involved will promptly acknowledge the order to terminate the pursuit.

605.09 REPORTING REQUIREMENTS:

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A. At the conclusion of each pursuit, officers will:

1. Obtain an incident number if the pursuit was unrelated to any other incident, and prepare an Incident Report classified as "Evading Arrest" [Code 2305]. This report will be prepared regardless of whether the suspect escaped or was arrested.
2. Give Case Desk personnel the "Evading Arrest" code when cutting the case if the pursuit was related to another incident in addition to the code and classification of the original incident and these codes will be documented on the Incident Report.
3. Enter the incident into Blue Team under "Vehicle Pursuit", completing all the required information, and forward this incident to your immediate supervisor for approval.

B. The Incident Report will fully describe the details of the pursuit, and the actions taken by the officers involved. Information contained in the Incident Report will be used by detectives to develop a case against an offender who may have escaped. This information may result in the suspect being arrested at a later time.**605.10 PROHIBITED PRACTICES**

- A. Pursuit vehicles should not pass another pursuit vehicle without a supervisor's permission.
- B. No officer should intentionally make vehicle-to-vehicle contact without the controlling supervisor's permission.
- C. Officers will not shoot at a vehicle with the intent of disabling the vehicle. Any discharge of a firearm must be in compliance with use of force regulations.
- D. Roadblocks will not be established without a supervisor's approval [see policy 607].

605.11 INTER-JURISDICTIONAL PURSUIT:**A. Leaving our jurisdiction:**

1. The pursuing officer shall notify the dispatcher, before leaving his/her jurisdiction.
2. The primary pursuit vehicle shall remain the primary vehicle in other jurisdictions when possible.
3. Upon being notified that the pursuit will be entering another agency's jurisdiction, the dispatcher shall forward all critical information to that agency.

B. Entering our jurisdiction (or not initiated by WPD) a supervisor will:

1. Obtain the critical information from the dispatcher.
2. Determine if the pursuit is within policy and if not, prohibit WPD involvement in the immediate pursuit. If possible, the WPD will provide air support during the pursuit, and ground units to help apprehend offenders once the chase has terminated.
3. Provide the appropriate direction to officers.

605.12 EVALUATION, CRITIQUE, AND REVIEW PROCEDURES:

- A. Through the Early Intervention System the appropriate Bureau commander should review every pursuit, which is initiated by their personnel.
- B. All pursuit cases involving serious injury or death will be reviewed by an entity outside of the Wichita Police Department (i.e. – District Attorney's office, Kansas Highway Patrol, etc.)
- C. The Field Services Division Commander will meet with Staff to review all pursuit data collected during the year and make appropriate recommendations. The following will be reviewed:
 1. Information regarding suspect drivers including age, sex, race, driving record, etc.
 2. Departmental tenure for involved officers
 3. All other information noted on the departmental chase form.

605.13 STOP STICKS

- A. Officers shall not interrupt established emergency radio traffic to ask permission for deployment. Authorization for the pursuit by the controlling supervisor implies permission to deploy Stop Sticks. The use of Stop Sticks is viewed as a controlled method to terminate a pursuit.

- B. Stop Sticks should only be deployed by officers who have been trained in their deployment.
- C. If possible, officers deploying Stop Sticks shall immediately advise dispatch and pursuing units of the deployment location.
- D. Stop Sticks should not be deployed in locations in which the geographical configuration would increase the risk of injury to the suspect or others. This would include roadways bounded by steep descending or ascending embankments, curves, bridges, or other locations where the safety of proceeding or opposing traffic cannot be reasonably assured.
- E. Stop Sticks are only to be used on cars, trucks, or similar passenger vehicles. They are not to be used on motorcycles or all-terrain vehicles unless the use of deadly force can be justified.
- F. Stop Sticks should not be used on vehicles transporting hazardous materials, and occupied buses.
- G. Officers should not overtake or attempt to overtake (pass or attempt to pass) a suspect vehicle to deploy the Stop Stick device. Stop Sticks should not be thrown or dropped out of moving police vehicles.
- H. Immediately after the suspect has run over the Stop Sticks, the officer should make every attempt to pull the device out of the way of the pursuing police units.
- I. After the successful use of Stop Sticks, the deploying officer will complete the pursuit tracking form [321-127] and route it to the supervisor designated to maintain them in their respective patrol bureau. This supervisor will also be responsible for processing the necessary paperwork to ensure replacement of the Stop Sticks.

Nature of Offense	Low Risk	Moderate Risk	High Risk
Violent Felony Offense – Imminent Threat (murder, rape, robbery and aggravated assault)	May Pursue: Continue to Assess Risk	May Pursue: Continue to Assess Risk	May Pursue: Discontinue if Risks Exceed Known Threat to Public Safety if Capture is Delayed
Violent Felony Offense (murder, rape, robbery and aggravated assault)	May Pursue: Continue to Assess Risk	May Pursue: Continue to Assess Risk	May Pursue: Strongly Consider Risk Factors. Discontinue if Risks Exceed Known Threat to Public Safety if Capture is Delayed
Felony Property and Misdemeanor Crimes (including serious traffic offenses)	May Pursue: Strongly Consider Risk Factors. Discontinue if Risks Exceed Known Threat to Public Safety if Capture is Delayed	Presumption of Termination: Continue only if substantial threat to public safety if capture is delayed which clearly outweighs risk of pursuit	Presumption of Termination: Continue only if substantial threat to public safety if capture is delayed which clearly outweighs risk of pursuit
Traffic Infractions	Presumption of Termination: Continue only if substantial threat to public safety if capture is delayed which clearly outweighs risk of pursuit	Termination: Do not pursue unless extraordinary or extreme circumstances exist	Termination: Do not pursue unless extraordinary or extreme circumstances exist

Pursuit Decisions will be made in accordance WPD Emergency Vehicle Operation Policy 605

Low Risk

1. Marked Vehicles
2. Straight roads, good surfaces, clear line of sight
3. Few intersections
4. Few or no pedestrians
5. Good weather
6. No hazardous maneuvers by violator
7. Speeds at or less than 20 m.p.h. over the posted speed limit
8. Officer is calm and in control
9. Lack of special circumstances (i.e. school zones, hospitals, etc.)

Moderate Risk

1. Some intersecting streets (i.e. residential area)
2. Light pedestrian traffic
3. Moderate traffic, little congestion

4. Speeds 20 m.p.h. greater than the posted speed limit
5. Officer generally calm, under control
6. Some hazardous, but not extreme maneuvers (i.e. crossing centerline to pass vehicles, sudden lane changes) by violator

High Risk

1. Frequent intersecting streets (i.e. a business district)
2. Poor weather, slippery streets, low visibility
3. Blind curves, or intersections, narrow
4. Numerous pedestrians
5. Heavy, congested traffic
6. Speed twice posted speed limit, or greater than 80 m.p.h.
7. Extremely hazardous maneuvers (i.e. driving against oncoming traffic, failing to stop for red lights) by the violator
8. Numerous vehicles in pursuit
9. Officer excited, not in full control of emotions
10. Enhance of special circumstances (i.e. school zones, hospitals, etc.)